

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re **Gregory Allan Phillips**
Alice Jean Rennells-Phillips

Debtor(s).

Case No. **2-16-20316**
Chapter 13

AMENDMENT TO PLAN FILED WITH THE COURT ON APRIL 9, 2016.

This is an exclusive amendment to the debtor(s) plan docketed with the Court on April 9, 2016, docketed at Number 13 on the Court's Docket. Any and all other amendments to said plan filed prior to this date are null and void upon the docketing of this amendment. The plan is amended as follows:

Paragraph # 1 Payments to the Trustee is amended to:

The Debtor . . . shall pay to the trustee the sum of \$489.43 per month for 60 months. Total of plan payments: \$29,365.80

Paragraph # 4(b)(2) Other Priority Claims is amended to:

Name	Amount of Claim	Interest Rate (if specified)
Internal Revenue Service	1,729.36	3.50%

Paragraph # 4(c)(2) Secured Debts Which Will Not Extend Beyond the Length of the Plan is amended to:

Name	Proposed Amount of Allowed Secured Claim	Monthly Payment	Interest Rate (if specified)
Internal Revenue Service	3,183.85	74.67	3.5%
Steuben County Finance Department	\$12,628.01	358.17	12.00%

These changes to the plan docketed July 8, 2016 will affect creditors as follows:

- A. Secured claims: Are increased by Steuben County Finance Department being reclassified as secured.
- B. Priority claims: Are decreased by the Steuben County Finance Department. Increased by the interest to IRS
- C. Unsecured claims:

All other terms and conditions of the plan docketed with this Court on April 9, 2016, remain in full force and effect.

Dated: June 19, 2016
Rochester, NY

/s/ Gregory Allan Phillips

Debtor

/s/ Alice Jean Rennells-Phillips

Joint Debtor

(9/11)

Attached is proof of service on George M. Reiber, Chapter 13 Trustee, and all affected creditors as follows:

(9/11)

**United States Bankruptcy Court
Western District of New York**

In re **Gregory Allan Phillips
Alice Jean Rennells-Phillips**

Debtor(s)

Case No. **2-16-20316**
Chapter **13**

CHAPTER 13 PLAN - AMENDED

1. **Payments to the Trustee:** The future earnings or other future income of the Debtor is submitted to the supervision and control of the trustee. The Debtor (or the Debtor's employer) shall pay to the trustee the sum of **\$489.43** per month for **60** months.

Total of plan payments: **\$29,365.80**

2. **Plan Length:** This plan is estimated to be for **60** months.

3. Allowed claims against the Debtor shall be paid in accordance with the provisions of the Bankruptcy Code and this Plan.

- a. Secured creditors shall retain their mortgage, lien or security interest in collateral until the earlier of (a) the payment of the underlying debt determined under nonbankruptcy law, or (b) discharge under 11 U.S.C. § 1328.
- b. Creditors who have co-signers, co-makers, or guarantors ("Co-Obligors") from whom they are enjoined from collection under 11 U.S.C. § 1301, and which are separately classified and shall file their claims, including all of the contractual interest which is due or will become due during the consummation of the Plan, and payment of the amount specified in the proof of claim to the creditor shall constitute full payment of the debt as to the Debtor and any Co-Obligor.
- c. All priority creditors under 11 U.S.C. § 507 shall be paid in full in deferred cash payments.

4. From the payments received under the plan, the trustee shall make disbursements as follows:

- a. Administrative Expenses

- (1) Trustee's Fee: **9.00%**
- (2) Attorney's Fee (unpaid portion): **\$2,000.00 to be paid through plan in monthly payments**
- (3) Filing Fee (unpaid portion): **NONE**

- b. Priority Claims under 11 U.S.C. § 507

- (1) Domestic Support Obligations

(a) Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim.

(b) The name(s) and address(es) of the holder of any domestic support obligation are as follows. See 11 U.S.C. §§ 101(14A) and 1302(b)(6).

-NONE-

(c) Anticipated Domestic Support Obligation Arrearage Claims. Unless otherwise specified in this Plan, priority claims under 11 U.S.C. § 507(a)(1) will be paid in full pursuant to 11 U.S.C. § 1322(a)(2). These claims will be paid at the same time as claims secured by personal property, arrearage claims secured by real property, and arrearage claims for assumed leases or executory contracts.

Creditor (Name and Address)

Estimated arrearage claim

Projected monthly arrearage payment

-NONE-

(d) Pursuant to §§ 507(a)(1)(B) and 1322(a)(4), the following domestic support obligation claims are assigned to, owed to, or recoverable by a governmental unit.

Claimant and proposed treatment: **-NONE-**

(2) Other Priority Claims.

Name	Amount of Claim	Interest Rate (If specified)
Internal Revenue Service	1,729.36	3.50%

c. Secured Claims

(1) Pre-Confirmation Adequate Protection Payments. Pre-confirmation adequate protection payments to the following Creditors holding allowed claims secured by a purchase money security interest in personal property shall be paid by the Trustee through the plan as provided below. Adequate protection payments shall not accrue or be paid until the Creditor files a proof of claim. The principal amount of the Creditor's claim shall be reduced by the amount of the adequate protection payments remitted.

Name	Description of Collateral	Pre-Confirmation Monthly Payment
-NONE-		

(2) Secured Debts Which Will Not Extend Beyond the Length of the Plan

(a) Secured Claims Subject to Valuation Under § 506. The Debtor moves the Court to value collateral as follows according to 11 U.S.C. § 506(a). Each of the following secured claims, if allowed, shall be paid through the plan in equal monthly payments set forth below, until the secured value or the amount of the claim, whichever is less, has been paid in full. Any remaining portion of the allowed claim shall be treated as a general unsecured claim. Any claim with a secured value of \$0 shall be treated as a general unsecured claim.

Name	Proposed Amount of Allowed Secured Claim	Monthly Payment	Interest Rate (If specified)
Internal Revenue Service	3,183.85	74.67	3.50%
Steuben County Finance Department	12,628.01	358.17	12.00%

(b) Secured Claims Not Subject to Valuation Under § 506. Each of the following claims, if allowed, shall be paid through the plan in equal monthly payments set forth below, until the amount of the claim as set forth in the Creditor's proof of claim has been paid in full.

Name	Proposed Amount of Allowed Secured Claim	Monthly Payment	Interest Rate (If specified)
-NONE-			

(3) Secured Debts Which Will Extend Beyond the Length of the Plan

Name	Amount of Claim	Monthly Payment	Interest Rate (If specified)
-NONE-			

d. Unsecured Claims

(1) Special Nonpriority Unsecured: Debts which are co-signed or are non-dischargeable shall be paid in full (100%).

Name	Amount of Claim	Interest Rate (If specified)
-NONE-		

(2) General Nonpriority Unsecured: Other unsecured debts shall be paid **10** cents on the dollar and paid pro rata, with no interest if the creditor has no Co-obligors, provided that where the amount or balance of any unsecured claim is less than \$10.00 it may be paid in full.

5. The Debtor proposes to cure defaults to the following creditors by means of monthly payments by the trustee:

Creditor	Amount of Default to be Cured	Interest Rate (If specified)
-NONE-		

6. The Debtor shall make regular payments directly to the following creditors:

Name	Amount of Claim	Monthly Payment	Interest Rate (If specified)
-NONE-			

7. The employer on whom the Court will be requested to order payment withheld from earnings is:

NONE. Payments to be made directly by debtor without wage deduction.

8. The following executory contracts of the debtor are rejected:

Other Party	Description of Contract or Lease
-NONE-	

9. Property to Be Surrendered to Secured Creditor

Name	Amount of Claim	Description of Property
-NONE-		

10. The following liens shall be avoided pursuant to 11 U.S.C. § 522(f), or other applicable sections of the Bankruptcy Code:

Name	Amount of Claim	Description of Property
-NONE-		

11. Title to the Debtor's property shall revert in debtor **on confirmation of a plan.**

12. As used herein, the term "Debtor" shall include both debtors in a joint case.

13. Other Provisions:

Date <u>June 21, 2016</u>	Signature <u>/s/ Gregory Allan Phillips</u> Gregory Allan Phillips Debtor
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Date <u>June 21, 2016</u>	Signature <u>/s/ Alice Jean Rennells-Phillips</u> Alice Jean Rennells-Phillips Joint Debtor
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

COVER SHEET FOR SCHEDULES, STATEMENTS, LISTS AND/OR AMENDMENTS

Gregory Allan Phillips

Alice Jean

Case Name: Rennells-Phillips

Case No. 2-16-20316

Chapter 13

A. IDENTIFY TYPE OF DOCUMENT BEING FILED: (Select either #1, #2 or #3)

- ☒ #1--Amendment to previously filed document (Go to Sec. B)
☐ #2--Schedule/Statement not previously filed (Go to Sec. B)
☐ #3--Schedule of Post-Petition Debts (result of conversion--no fee due) (Go to Sec. D)

B. SUMMARIZE SPECIFICS OF DOCUMENT BEING FILED BY CHECKING APPLICABLE DATA ELEMENTS:

- ☐ Official Form 101: ☐ Part 1 ☐ Part 2 ☐ Part 3 ☐ Part 4 ☐ Part 5 ☐ Part 6 ☐ Part 7
☒ Official Form 106Sum: Summary of Your Assets and Liabilities and Certain Statistical Information
☐ Official Form 106Dec: Declaration About an Individual Debtor's Schedules
☐ Official Form 108: Chapter 7 Statement of Intention for Individuals
☒ Schedules: (Please check schedules attached)
☒ Schedule A/B ☒ Schedule C ☒ Schedule D (Go to Sec. C) ☒ Schedule E/F (Go to Sec. C)
☐ Schedule G ☐ Schedule H ☐ Schedule I ☒ Schedule J ☐ Schedule J-2
☒ Statement of Financial Affairs
☐ Statement Pursuant to Rule 2016(b)
☐ Official Form 201: ☐ Debtor's Name ☐ Debtor's Address ☐ Debtor's EIN ☐ Other Names used by the Debtor
☐ Other: ☐ Other
(Please indicate the Question # from Form 201 that is being amended and a brief description)
☐ Official Form 201A: Ch. 11 Attachment to Voluntary Petition for Non-Individuals
☐ Official Form 202: Declaration Under Penalty of Perjury for Non-Individual Debtors
☐ Creditor Matrix
☒ Chapter 13 Plan (Pre-confirmation): ☐ Decrease Payments ☒ Increase Payments ☐ Increases length of plan
☐ Other:

FOR CHANGES AFFECTING SCHEDULES D, E/ F, THE LIST OF CREDITORS, MATRIX OR MAILING LIST,
PROCEED TO SECTION 'C' OF THIS FORM. OTHERWISE, PROCEED TO SECTION 'D'.

C. CREDITOR/SCHEDULE INFORMATION: (Select either #1, #2 or #3)

- ☐ #1--Creditors are being added or deleted by this amendment/schedule, AND
☐ The \$30.00 amendment fee is attached
☐ A matrix in the format prescribed by the Clerk with the complete names and addresses of the parties added is attached.
Note: Do not repeat creditor information from a previously filed matrix. The Clerk's office will not delete creditors unless a motion to delete creditors is granted.
☒ #2--Schedule(s) of creditors (Schedules D, E, F), list of creditors, matrix or mailing list is being amended for purposes other than adding or deleting creditors.
☒ The \$30.00 fee is attached for this amendment [e.g. changing amount of a debt or classification of a debt].
☐ The \$30.00 fee does not apply for this amendment [e.g. change of address of a creditor or change of attorney].
☐ #3 -- No Creditors are being added or deleted.

D. CERTIFICATION OF SERVICE, ATTORNEY'S DECLARATION AND DEBTOR'S UNSWORN DECLARATION

CERTIFICATION OF SERVICE: Attach an "Affidavit of Service" listing each party served with a copy of the referenced document(s), this cover sheet and a copy of the §341 Meeting Notice (if applicable). Be sure to include the U.S. Trustee and the Case Trustee.

DECLARATION OF ATTORNEY [Attorney or debtor(s), if pro se, must sign.]: I declare that the above information contained on this cover sheet may be relied upon by the Clerk of Court as a complete and accurate summary of the information contained in the documents attached.

Dated: June 19, 2016

Signature: /s/ Jason Racki
Jason Racki

DECLARATION OF DEBTOR(S): [Required if declaration is not completed on the document(s) itself or by separate instrument.]
I declare under penalty of perjury that I have read this cover sheet and the attached schedules, lists, statements, etc., consisting of ___ sheets, numbered 1 through ___, and that they are true and correct to the best of my knowledge, information and belief.

Dated: June 19, 2016

Signature: /s/ Gregory Allan Phillips (debtor)
Gregory Allan Phillips

Dated: June 19, 2016

Signature: /s/ Alice Jean Rennells-Phillips (joint debtor, if any)
Alice Jean Rennells-Phillips

Fill in this information to identify your case:

Debtor 1 **Gregory Allan Phillips**
First Name Middle Name Last Name

Debtor 2 **Alice Jean Rennells-Phillips**
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**

Case number **2-16-20316**
(if known)

☒ Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. Schedule A/B: Property (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from Schedule A/B.....	\$ 70,000.00
1b. Copy line 62, Total personal property, from Schedule A/B.....	\$ 25,586.17
1c. Copy line 63, Total of all property on Schedule A/B.....	\$ 95,586.17

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i> ...	\$ 17,011.86
3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i>	\$ 14,632.53
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i>	\$ 14,114.00
Your total liabilities	\$ 45,758.39

Part 3: Summarize Your Income and Expenses

4. Schedule I: Your Income (Official Form 106I)	
Copy your combined monthly income from line 12 of <i>Schedule I</i>	\$ 2,946.00
5. Schedule J: Your Expenses (Official Form 106J)	
Copy your monthly expenses from line 22c of <i>Schedule J</i>	\$ 2,456.17

Part 4: Answer These Questions for Administrative and Statistical Records

6. **Are you filing for bankruptcy under Chapters 7, 11, or 13?**
- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes
7. **What kind of debt do you have?**
- ☐ **Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☒ **Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. *Check this box* and submit this form to

Debtor 1 **Gregory Allan Phillips**
Debtor 2 **Alice Jean Rennells-Phillips**

Case number (if known) **2-16-20316**

the court with your other schedules.

8. **From the *Statement of Your Current Monthly Income*:** Copy your total current monthly income from Official Form 122A-1 Line 11; **OR**, Form 122B Line 11; **OR**, Form 122C-1 Line 14.

\$ _____

9. **Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:**

	Total claim
From Part 4 on <i>Schedule E/F</i>, copy the following:	
9a. Domestic support obligations (Copy line 6a.)	\$ 0.00
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ 14,632.53
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ 0.00
9d. Student loans. (Copy line 6f.)	\$ 0.00
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ 0.00
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ 0.00
9g. Total. Add lines 9a through 9f.	\$ 14,632.53

Fill in this information to identify your case:

Debtor 1 Gregory Allan Phillips

Debtor 2 Alice Jean Rennells-Phillips
(Spouse, if filing)

United States Bankruptcy Court for the: WESTERN DISTRICT OF NEW YORK

Case number 2-16-20316
(If known)

Check if this is:

- ☒ An amended filing
- ☒ A supplement showing postpetition chapter 13 expenses as of the following date:

6/01/2016

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☐ No. Go to line 2.

☒ Yes. Does Debtor 2 live in a separate household?

☒ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents? ☒ No

Do not list Debtor 1 and Debtor 2.

☐ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

☐ No
☐ Yes
☐ No
☐ Yes
☐ No
☐ Yes
☐ No
☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No
☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 0.00

If not included in line 4:

4a. Real estate taxes

4a. \$ 291.67

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 0.00

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Gregory Allan Phillips**
Debtor 2 **Alice Jean Rennells-Phillips**

Case number (if known) **2-16-20316**

6. Utilities:	
6a. Electricity, heat, natural gas	6a. \$ <u>180.00</u>
6b. Water, sewer, garbage collection	6b. \$ <u>26.50</u>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$ <u>290.00</u>
6d. Other. Specify: _____	6d. \$ <u>0.00</u>
7. Food and housekeeping supplies	7. \$ <u>326.00</u>
8. Childcare and children's education costs	8. \$ <u>0.00</u>
9. Clothing, laundry, and dry cleaning	9. \$ <u>10.00</u>
10. Personal care products and services	10. \$ <u>50.00</u>
11. Medical and dental expenses	11. \$ <u>60.00</u>
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$ <u>70.00</u>
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$ <u>0.00</u>
14. Charitable contributions and religious donations	14. \$ <u>0.00</u>
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.	
15a. Life insurance	15a. \$ <u>0.00</u>
15b. Health insurance	15b. \$ <u>0.00</u>
15c. Vehicle insurance	15c. \$ <u>114.00</u>
15d. Other insurance. Specify: Premises liability insurance	15d. \$ <u>488.00</u>
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16. \$ <u>0.00</u>
17. Installment or lease payments:	
17a. Car payments for Vehicle 1	17a. \$ <u>0.00</u>
17b. Car payments for Vehicle 2	17b. \$ <u>0.00</u>
17c. Other. Specify: _____	17c. \$ <u>0.00</u>
17d. Other. Specify: _____	17d. \$ <u>0.00</u>
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18. \$ <u>0.00</u>
19. Other payments you make to support others who do not live with you. Specify: _____	\$ <u>0.00</u>
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.	
20a. Mortgages on other property	20a. \$ <u>0.00</u>
20b. Real estate taxes	20b. \$ <u>550.00</u>
20c. Property, homeowner's, or renter's insurance	20c. \$ <u>0.00</u>
20d. Maintenance, repair, and upkeep expenses	20d. \$ <u>0.00</u>
20e. Homeowner's association or condominium dues	20e. \$ <u>0.00</u>
21. Other: Specify: _____	21. +\$ <u>0.00</u>
22. Calculate your monthly expenses	
22a. Add lines 4 through 21.	\$ <u>2,456.17</u>
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$ _____
22c. Add line 22a and 22b. The result is your monthly expenses.	\$ <u>2,456.17</u>
23. Calculate your monthly net income.	
23a. Copy line 12 (<i>your combined monthly income</i>) from Schedule I.	23a. \$ <u>2,946.00</u>
23b. Copy your monthly expenses from line 22c above.	23b. -\$ <u>2,456.17</u>
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$ <u>489.83</u>
24. Do you expect an increase or decrease in your expenses within the year after you file this form? For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage? <input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes.	
Explain here: Transportation expense may increase as a result of additional work starting in July. Utilities will increase over the winter	